

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF WASHINGTON

MICHAEL DE LUNA,

Plaintiff,

vs.

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

Defendant.

Civil No. 1:15-cv-03095-MKD

ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND

The Court has considered the parties' stipulated motion for remand. The parties have consented to proceed before a magistrate judge. ECF No. 6.

IT IS ORDERED that the motion, **ECF No. 23**, is **GRANTED**. The above-captioned case is reversed and remanded for further administrative proceedings, in accordance with sentence four of 42 U.S.C. § 405(g).

1           Upon remand, the Appeals Council will instruct the Administrative Law  
2 Judge to conduct a new hearing and issue a new decision. Plaintiff may raise any  
3 issue and submit additional evidence in support of his claim.  
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5           The ALJ will: (1) reevaluate the severity of Plaintiff's physical and mental  
6 impairments, including insulin-dependent diabetes, hepatitis C, bilateral ulnar  
7 nerve compromise, attention deficit hyperactivity disorder, back pain, substance  
8 dependence in full sustained remission, anxiety disorder, depression and post-  
9 traumatic stress disorder, and determine whether all of the impairments, singly or  
10 in combination, are severe, as develop the record as necessary; (2) reevaluate all  
11 medical opinions of record, including the opinion of Jesse McClelland, M.D.,  
12 regarding Plaintiff's ability to work, and explain the weight given to this opinion  
13 evidence; (3) reevaluate the credibility of Plaintiff's statements about his pain and  
14 other symptoms to determine the extent to which these symptoms limit Plaintiff's  
15 ability to do basic work activities; the Administrative Law Judge will consider the  
16 factors set forth in Social Security Ruling 96-7p in assessing Plaintiff's credibility  
17 and (4) based on the reevaluation of the foregoing, reassess Plaintiff's residual  
18 functional capacity, citing specific evidence in support of the assessed limitations.  
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21           Upon proper application, Plaintiff shall be eligible for attorneys' fees under  
22 the Equal Access to Justice Act, 24 U.S.C. § 2412 et seq.  
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~ ~           IT IS ORDERED:

1 The parties' stipulated motion to remand, ECF No. **23**, is **GRANTED**. The  
2 case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further  
3 administrative proceedings.  
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5 The District Court Executive is directed to enter judgment for plaintiff,  
6 provide copies of this order to the parties and CLOSE THE FILE.  
7

8 DATED this 19th day of January, 2016.

9 S/ Mary K. Dimke

10 MARY K. DIMKE  
11 UNITED STATES MAGISTRATE JUDGE  
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